



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/606,211	06/29/2000	Aki Nagano	P108131-00000	8161

7590 05/27/2003

Arent Fox Kintner Plotkin & Kahn P L L C
1050 Connecticut Avenue N W Suite 600
Washington, DC 20036-5339

EXAMINER

ZEENDER, FLORIAN M

ART UNIT PAPER NUMBER

3627

DATE MAILED: 05/27/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/606,211

Applicant(s)

NAGANO, AKI

Examiner

F. Ryan Zeender

Art Unit

3627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 May 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 13 and 17-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 13, 17-18, 21 is/are rejected.
- 7) ☒ Claim(s) 19 and 20 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Objections

Claims 17 are objected to because of the following informalities: In claim 17, line 5, the terminology, "and forms" is confusing and/or unclear in that "**and**" implies that the feature is in addition to the limitation of line 3, "defines an unsettled transaction", however, it appears that the feature is more of a description of the limitation of line 3, thus, it appears the language should be changed to –by forming–. In claim 17, last line, it is not clear how "a termination of the incomplete transaction" is "executed" (third to last line); specifically, whether there is an actual action taking place or whether the termination simply occurs upon delivery of the goods.

In claim 18, line 5, the terminology, "and forms" is confusing and/or unclear in that "**and**" implies that the feature is in addition to the limitation of line 3, "defines an unsettled transaction", however, it appears that the feature is more of a description of the limitation of line 3, thus, it appears the language should be changed to –by forming–. In claim 18, last line, it is not clear how "a termination of the incomplete transaction" is "executed" (third to last line); specifically, whether there is an actual action taking place or whether the termination simply occurs upon delivery of the goods.

In claim 19, line 6, the terminology, "and forms" is confusing and/or unclear in that "**and**" implies that the feature is in addition to the limitation of line 3, "defines an unsettled transaction", however, it appears that the feature is more of a description of the limitation of line 3, thus, it appears the language should be changed to –by forming–. In claim 19, last line, it is not clear how "a termination of the incomplete transaction" is

“executed” (third to last line); specifically, whether there is an actual action taking place or whether the termination simply occurs upon received payment for the goods.

In claim 20, line 6, the terminology, “and forms” is confusing and/or unclear in that “**and**” implies that the feature is in addition to the limitation of line 3, “defines an unsettled transaction”, however, it appears that the feature is more of a description of the limitation of line 3, thus, it appears the language should be changed to –by forming-. In claim 20, last line, it is not clear how “a termination of the incomplete transaction” is “executed” (fourth to last line); specifically, whether there is an actual action taking place or whether the termination simply occurs upon received payment for the goods.

In claim 13, line 3, “incomplete transactions” lacks antecedent basis. In claim 13, line 5, “the term of payment” lacks antecedent basis. In claim 13, line 5, “the payment situations” lacks antecedent basis. In claim 13, lines 5-6, it is not clear what is meant by the terminology, “and as a whole list or every type”.

Appropriate correction/clarification is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 17 and 18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 17, lines 3-4, it is not clear what is meant by the terminology, “of a total amount”; whether it is claiming a total amount of payment, or goods, or something else.

In claim 17, line 7, it is not clear whether the terminology, "a total amount" refers to the same language introduced in lines 3-4 or to a separate distinct total amount. In claim 18, line 7, it is not clear whether the terminology, "a prepayment of a total amount" refers to the language introduced in lines 3-4 ("prepayment of a total amount") or to a separate distinct prepayment of a total amount.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 13 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pool et al.

Pool et al. disclose or inherently teach the limitations of the claim except the specifics of the use of separate tables to store transaction data. (*note: the terminology in the claim; specifically the use of the language, "at least one of", has significantly broadened the claim relative to original claim 12*)

It would have been an obvious design choice at the time of the invention to one of ordinary skill in the art to modify Pool et al. to include organize transaction data into various tables, for example spreadsheets, as this type of organization is well known in the art of business and record keeping, in order to provide a means to organize relevant data for easy retrieval at a later date.

Allowable Subject Matter

Claims 17 and 18 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

Claims 19 and 20 contain allowable subject matter.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to F. Ryan Zeender whose telephone number is (703) 308-8351. The examiner can normally be reached on Monday-Friday, 8am-5pm.

Application/Control Number: 09/606,211
Art Unit: 3627

Page 6

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bob Olszewski can be reached on (703) 308-5183. The receptionist's phone number for the Technology center is (703) 308-1113.

The fax phone number for the organization where this application or proceeding is assigned is (703) 305-7687 for all communications.

 5/23/03

F. Zeender
Patent Examiner, A.U. 3627
May 23, 2003